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10/634,698	08/05/2003	Donald E. Marigliano	G08.028/U	7559
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BUCKLEY, MASCHOFF & TALWALKAR LLC 50 LOCUST AVENUE NEW CANAAN, CT 06840			EXAMINER LEMIEUX, JESSICA	
			ART UNIT	PAPER NUMBER
			4172	
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			10/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/634,698

Applicant(s)

MARIGLIANO, DONALD E.

Examiner

Jessica L. Lemieux

Art Unit

4172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/05/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 6, 20, 27, 32 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "should be presented" in claims 6, 20, 27, 32 and 37 is a relative term which renders the claim vague and indefinite. Examiner notes that using such an ambiguous term raises question of the necessity of "present[ing]" the information.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 10, 13-21 and 24-37 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Publication Number 2003/0004853 to Ram et. al (hereinafter Ram).

As per claims 1, 15 and 24

Ram discloses presenting at least one option (page 2, paragraph [0028]) quote area presenting a plurality of option quotes (Figure 12: 124 & Figure 51) and presenting an order entry area comprising input areas for inputting two or more option orders (Figure 12: 128). Examiner notes that the input area can be used multiple times to accommodate the input of multiple orders.

As per claim 29

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Ram discloses a processor and a storage device in communication with said processor and storing instructions adapted to be executed by said processor (page 1, paragraph [0009] and page 9, paragraph [0182]) to present at least one option (page 2, paragraph [0028]) quote area presenting a plurality of option quotes (Figure 12: 124 & Figure 51) and present an order entry area comprising input areas for inputting two or more option orders (Figure 12: 128). Examiner notes that the input area can be used multiple times to accommodate the input of multiple orders.

As per claims 2 and 16

Ram discloses receiving an instruction to place the two or more option orders and placing the two option orders (page 10, paragraph [0187]).

As per claims 3, 17, 25, 30 and 35

Ram discloses receiving a selection of one of the presented plurality of option quotes (Level I data) (page 3, paragraphs [0042-0043]) and presenting details of an option order corresponding to the selected option quote in appropriate input areas of the order entry area (Figure 16).

As per claim 4, 14, 18, 26 and 31

Ram discloses receiving a selection of a second one of the presented plurality of option quotes (Level I data) (page 3, paragraphs [0042-0043]) and presenting details of a second option order corresponding to the second selected option quote in second appropriate input areas of the order entry area (Figure 16). Examiner notes that receiving and presenting option quote details is a process that can be repeated for multiple option orders by changing the symbol which updates the data chosen from the market order entry tab.

As per claim 13

Ram discloses an order entry area comprising input areas for inputting two or more option orders wherein selection of one of the presented plurality of option quotes results in population of appropriate input areas of the order entry area with an option order corresponding to the selected option quote (Figure 16). Examiner notes that the input area can be used multiple times to accommodate the input of multiple orders. Examiner further notes that receiving and presenting option quote details is a process that can be repeated for multiple option orders by changing the symbol which updates the data chosen from the market order entry tab.

As per claims 5, 19 and 36

Ram discloses receiving a number of option quotes to present in at least one of the at least one option quote area and presenting the number of option quotes in the at least one of the at least one option quote area (page 9, paragraph [0178], lines 1-8).

As per claims 6, 20, 27, 32 and 37

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Ram discloses receiving a number of strike prices above and/or below a particular option strike price for which associated option quotes should be presented in at least one of the at least one option quote area and presenting option quotes associated with the number of strike prices above and/or below the particular option strike price in the at least one of the at least one option quote area (Figure 46: 344a-f & page 16, paragraph [0291]).

As per claims 7, 21, 28 and 33

Ram discloses the particular strike price is equal to a current price of a security underlying the option (page 16, paragraph [0291], lines 9-11). Examiner notes that since the strike price is user configurable, the strike can be easily adjusted to equate the current price.

As per claim 10

Ram discloses presenting at least one option (page 2, paragraph [0028]) quote area presenting a plurality of option quotes (Figure 12: 124 & Figure 51) and a control usable to specify a number of strike prices above and/or below a particular option strike price for which associated option quotes should be presented in at least one of the at least one order entry area (page 16, paragraph [0291]). Examiner notes that since the strike price is user configurable, the strike can be easily adjusted to specify a number of strike prices above and/or below a particular option strike price.

As per claim 34

Ram discloses an option (page 2, paragraph [0028]) server for receiving option quote information and for transmitting option quote information and a client device for receiving option quote information from the option server (page 9, paragraph [0178]), for presenting at least one option (page 2, paragraph [0028]) quote area presenting a plurality of option quotes (Figure 12: 124 & Figure 51) and presenting an order entry area comprising input areas for inputting two or more option orders (Figure 12: 128). Examiner notes that the input area can be used multiple times to accommodate the input of multiple orders.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 8-9, 11-12 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication Number 2003/0004853 to Ram et. al (hereinafter Ram) in view of US Patent Number 6,876,981 to Berckmans (hereinafter Berckmans).

As per claims 8, 11 and 22

Ram discloses using color indicators for differentiating types of order data (page 4, paragraph [0060] and page 13, paragraph [0235]).

Ram does not specifically teach determining a color based on a difference between a strike price of an option quote and a price of a security underlying the presented option quote and presenting the option quote in association with the color.

Berckmans discloses that voluminous information displayed textually is easily confused and misinterpreted and that by representing financial data using colors users can more easily and quickly perceive and process displayed information (page 6, lines 16- 22). Examiner notes that this could be easily adapted to determine a color based on a difference between a strike price of an option quote and a price of a security underlying the presented option quote and present the option quote in association with the color.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to determine a color based on a difference between a strike price of an option quote and a price of a security underlying the presented option quote and present the option quote in association with the color as taught by Berckmans to simplify the perception and processing of displayed financial data.

As per claims 9, 12 and 23

Ram discloses using color indicators for differentiating types of order data (page 4, paragraph [0060] and page 13, paragraph [0235]). Ram also discloses determining an option exchange (NASDAQ) associated with an option quote (page 11, paragraph [0204]).

Ram does not specifically teach determining a color associated with the option exchange and presenting the option quote in association with the color.

Berckmans discloses that voluminous information displayed textually is easily confused and misinterpreted and that by representing financial data using colors users can more easily and quickly perceive and process displayed information (page 6, lines 16- 22). Examiner notes that this could be easily adapted to determine a color associated with the option exchange and present the option quote in association with the color.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to determine a color associated with the option exchange and present the option quote in association with the color as taught by Berckmans to simplify the perception and processing of displayed financial data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica L. Lemieux whose telephone number is 571-270-3445. The examiner can normally be reached on Monday-Thursday 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NAEEM HAQ
PRIMARY EXAMINER

Jessica L Lemieux
Examiner
Art Unit 4172